

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

WILLIAM W. DOUGLAS, JR.,

PLAINTIFF

v.

CIVIL NO. 06-2152

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff, William W. Douglas, Jr., brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a decision of the Commissioner of the Social Security Administration (Commissioner) denying his claim for period of disability and disability insurance benefits (DIB) under the provisions of Title II of the Social Security Act (Act). (Doc. 1). On July 19, 2007, the District Court upheld the ALJ's decision finding plaintiff not disabled. (Doc. 12). On July 9, 2009, the United States Court of Appeals for the Eighth Circuit held that the judgment of the District Court upholding the ALJ's determination, must be reversed and remanded for further consideration of plaintiff's impairments. (Doc. 17, Attachment 2). Specifically, the ALJ is to address the medical evidence submitted to the Appeals Council regarding plaintiff's mental capacity during the relevant time period.

Based on the foregoing, we hereby reverse the decision of the Commissioner and remand this case for further consideration pursuant to sentence four of 42 U.S.C. § 405(g).

DATED this 2nd day of September 2009.

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE